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SENATE

{ REPORT
106-95

WILDERNESS BATTLEFIELD IN VIRGINIA

JUNE 24, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 955]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 955) to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendment is as follows:

On page 1, line 7, and page 2, line 11, strike “525k” and insert in lieu thereof “425k”.

PURPOSE OF THE MEASURE

The purpose of S. 955, as ordered reported, is to authorize the Secretary of the Interior to acquire certain land for addition to the Wilderness Battlefield in the Commonwealth of Virginia, as previously authorized by law, by purchase or exchange.

BACKGROUND AND NEED

Public Law 105-541 authorized the expansion of the boundaries of Fredericksburg and Spotsylvania County Battlefield Memorial National Military Park to include land associated with the “Battle of the Wilderness” and an adjacent tract of land known as “Longstreet’s Flank Attack.”

The park was established on February 14, 1927 and was transferred from the War Department to the National Park Service in 1933. It includes a national cemetery. Portions of four major Civil War battlefields, along with other historic sites and buildings, are

within the park's boundaries. Current acreage is 7,787.26.80 of which 6,461.07 are federally owned; 1,326.19 acres are privately owned.

Public Law 105-541 authorized the National Park Service to acquire the scene of Longstreet's flank attack at Wilderness Battlefield by donation only. Although the land is available for acquisition, the owners do not want to donate it to the National Park Service.

This legislation will authorize acquisition of the land by purchase or exchange as well as donation.

LEGISLATIVE HISTORY

S. 955 was introduced by Senators Warner, Robb and McConnell on May 4, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 955 on May 25, 1999.

At its business meeting on June 16, 1999, the Committee on Energy and Natural Resources ordered S. 955, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 16, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 955, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 955, the Committee adopted a technical amendment which corrects U.S.C. Code citation.

SECTION-BY-SECTION ANALYSIS

Section 1(a) amends Section 2(a)(2) of Public Law 105-541 (U.S.C. 425k note; 106 Stat. 3565) to remove the limitation that the Secretary acquire lands only by donation.

Subsection (b) amends Section 3(a) of Public Law 105-541 (16 U.S.C. 4251(a) authorizes the Secretary of the Interior to acquire lands designated "P04-04" on the map referred to in section 2(a) numbered 326-40072E/89/A and dated September 1990 by donation only. The restriction (donation only) has been removed from all other lands at the Wilderness Battlefield.

Subsection (c) amends Public Law 101-214 (16 U.S.C. 425k(a)) to correct the spelling of "Spotsylvania".

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 23, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 955—A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation

S. 955 would authorize the National Park Service (NPS) to purchase about 525 acres of land for addition to the Wilderness Battlefield unit of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park in Virginia. Under existing law, the NPS could acquire this property only by donation, and the acreage could only be included within the boundary of the battlefield after such donation.

Based on information provided by the NPS, and assuming appropriation of the necessary amounts within the next two years, CBO estimates that the federal government would pay about \$7 million to acquire the three parcels comprising the 525 acres. Once the property has been acquired, additional funds of less than \$500,000 would be needed over the next several years to provide for pedestrian access, fencing, exhibits, and other site development activities.

S. 955 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is Deborah Reis. This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 955. The bill is not a regulatory measure in the sense of impos-

ing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 955, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 25, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 955. These reports had not been received at the time the report on S. 955 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 955. S. 955 would allow the National Park Service to acquire by purchase or exchange, in addition to donation, land previously authorized by P.L. 102-541 for addition to the Wilderness Battlefield of Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park. The Department supports enactment of this bill.

On April 28 of this year, the Administration transmitted to Congress a similar proposal and recommended its enactment.

The Wilderness Battlefield is the scene of the pivotal Civil War engagement of May 5 and 6, 1864, which marked the beginning of the end of the Civil War. It was the first campaign in which General Ulysses S. Grant, newly promoted to overall commander of the Union army, faced General Robert E. Lee. Despite tremendous losses in the dense thickets of the Wilderness, many of which occurred in a mighty flank attack by Confederate General James Longstreet upon Union troops of the Second Corps commanded by General Winfield Scott Hancock, Grant doggedly clung to the offensive. The Battle of the Wilderness was the first of a long series of actions in which Grant ground down the Confederacy and made possible the reunification of the country.

In the late 1980's and early 1990's development in the vicinity of the Wilderness Battlefield, and the clear threat of further destruction of the battlefield, drew national media attention. The imperative need to preserve the battle scene prompted passage of Public Law 102-541 (106 Stat. 3565) on October 27, 1992. That act authorized the

National Park Service to acquire the scene of Longstreet's flank attack at Wilderness Battlefield by donation only.

The bill before you, S. 955, would expand that authority to allow the National Park Service to assist in the acquisition of the majority of those lands by means of purchase using appropriated funds or a land exchange in addition to donation. To date, a broad-based coalition of the National Park Service's private-sector partners has made significant progress toward preservation of the site, but some Federal assistance is also necessary. As proposed, S. 955 would provide the National Park Service the authorities necessary to assist in the acquisition and protection of the Longstreet flank attack site at Wilderness Battlefield. Land acquisition would be subject to availability of funding for NPS priorities.

Broad-based support exists for this legislation. The national preservation community is deeply interested. The owners of the land, including the NTS Corporation of Louisville (which holds title to 80% of the acreage in question), support the proposal. A large and vocal Civil War audience across the country has voiced strong support. The National Park Service recognizes the vital importance of this land to the preservation, management, and interpretation of Wilderness Battlefield. S. 955 would provide the National Park Service the authorities needed to preserve some of the most important, as-yet unprotected, historic ground on any Civil War battlefield.

A technical correction needs to be made in two places in the bill. The United States Code references on line 7 of page one and on line 11 of page 2 of the bill are incorrect. In the bill these read "16 U.S.C. 525k note". They should be revised to read "16 U.S.C. 425k note".

This concludes my statement. I am prepared to answer questions the Committee may have regarding this legislation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 955, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 101-214)

* * * * *

SEC. 2. (a) BOUNDARY REVISION.—In furtherance of the purpose of the Act entitles "An Act to establish a national military park at and near Fredericksburg, Virginia, and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Virginia," approved February 14, 1927 (44 Stat. 1091), the Fredericksburg and Spotsylvania County Battlefields

Memorial National Military Park (hereinafter in this Act referred to as the “park”) shall hereafter comprise the lands and interests in lands within the boundary generally depicted as “Proposed Park Boundary” on the maps entitled “Fredericksburg and [Spotsylvania] Spotsylvania National Military Park”.

* * * * *

SEC. 3. (a) ACQUISITION.—The Secretary is authorized to acquire lands and interests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange. *However, the lands designated “P04-04” on the map referred to in section 2(a) numbered 326-40072E/89/A and dated September 1990 may be acquired only by donation.*

* * * * *

(Public Law 102-214)

SEC. 2. (a)(2) by striking “198” and inserting in lieu thereof “1989”, and the map entitled “Fredericksburg and Spotsylvania National Military”, numbered 326-40072E/89/A and dated September 1990. [Provided, That this subsection shall not be effective until the lands included within the proposed new boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to this Act have been donated to the Secretary of the Interior.]

[(b) Lands included within the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to this section may be acquired only by donation.]

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